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30 Attorneys for Defendant

31  
 32 UNITED STATES DISTRICT COURT  
 33 NORTHERN DISTRICT OF CALIFORNIA  
 34 SAN FRANCISCO DIVISION

35 HILTON I. WESLEY,  
 36 Plaintiff,  
 37 v.  
 38 ROBERT M. GATES, SECRETARY OF  
 39 THE U.S. DEPARTMENT OF DEFENSE,  
 40 DEFENSE CONTRACT AUDIT AGENCY,  
 41 Defendant.

42 Docket No. C-08-2719 SI

43 E-FILING CASE

44  
 45 **STIPULATION AND [PROPOSED]**  
**46 ORDER TO CONDUCT DEPOSITION**  
**47 OF JONATHAN KAUFMANN AFTER**  
**48 JUNE 1, 2009 DISCOVERY CUT OFF**  
**49 DATE**

1 Plaintiff and Defendant, by and through their undersigned attorneys, hereby enter into  
2 the following stipulation and request its approval by the Court.

3 WHEREAS a third-party witness, Jonathan Kaufmann, is resident in the state of  
4 Virginia.

5 WHEREAS, due to significant scheduling conflicts of the parties' counsel and the  
6 witness, the parties were unable to come to a mutually acceptable date for this out-of-state  
7 deposition prior to the fact discovery cut off date of June 1, 2009.

8 WHEREAS the parties previously agreed that this deposition could take place after the  
9 June 1, 2009 discovery cut-off date and have determined a mutually acceptable date for the  
10 deposition of this witness.

11 ACCORDINGLY, the parties hereby agree that the deposition of Jonathan Kaufmann  
12 can take place after June 1, 2009 and will take place on June 15, 2009. Defendant agrees that  
13 Plaintiff's counsel can appear telephonically for the deposition of Mr. Kaufmann.

14 Respectfully submitted,

15 DATED: June 4, 2009

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 /s/  
17 WENDY MUSELL  
18 Stewart & Musell  
19 Attorneys for Plaintiff

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21 JOSEPH P. RUSSONIELLO  
22 United States Attorney

23 DATED: June 4, 2009

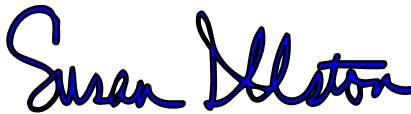
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 /s/  
25 VICTORIA CARRADERO  
26 Assistant U.S. Attorney  
27 Attorneys for Defendant

28 Pursuant to Stipulation, **IT IS SO ORDERED** that the deposition of Jonathan Kaufmann may  
be taken after the June 1, 2009 discovery cut-off date.

29 DATED: \_\_\_\_\_

30   
31 \_\_\_\_\_  
32 The Honorable Susan Illston  
33 United States District Court Judge